

**TRANSMITTAL LETTER**  
(General - Patent Pending)

Docket No.  
11535

In Re Application Of: Michael W. Grahm

Serial No.  
09/100,812

Filing Date  
June 19, 1998

Examiner  
S. Kaushal

Group Art Unit  
1636

Title: SYNTHETIC GENES AND GENETIC CONSTRUCTS COMPRISING SAME I

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

**RECEIVED**

JUL 09 2002

TECH CENTER 1600/2900

Transmitted herewith is:

Response to Notice to Comply Under 37 C.F.R. 1.821  
Copy of Notice to Comply  
Statement Under 37 C.F.R. 1.821(f)  
Initial Paper Copy of Sequence Listing  
Initial Computer Readable Form of Sequence Listing on Disk

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☐ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.

  
Signature

Dated: June 28, 2002

Peter I. Bernstein  
Registration No. 43,497  
Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

I certify that this document and fee is being deposited on June 28, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Signature of Person Mailing Correspondence

Michelle Mustafa

Typed or Printed Name of Person Mailing Correspondence

CC:



#22/D  
Zeta  
PATENT  
7-9-02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Michael W. Graham

**Examiner:** S. Kaushal

**RECEIVED**

**Serial No.:** 09/100,812

**Art Unit:** 1636

JUL 09 2002

**Filed:** June 19, 1998

**Docket:** 11535

TECH CENTER 1600/2900

**For:** SYNTHETIC GENES AND  
GENETIC CONSTRUCTS COMPRISING  
SAME I

**Dated:** June 28, 2002

Assistant Commissioner for Patents  
Washington, DC 20231

**Response to Notice to Comply under 37 C.F.R. §1.821**

Sir:

In response to the Office Communication dated May 30, 2002 and in accordance with the provisions in 37 C.F.R. §1.821, Applicant submits herewith an initial paper and an initial computer readable copy of the Sequence Listing, along with a Statement Under 37 C.F.R. §1.821(f), stating that these copies are identical. A copy of the Notice to Comply is also enclosed.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on June 28, 2002.

Dated: June 28, 2002

  
Michelle Mustafa

D

Applicant respectfully submits that the content of the paper and computer copies of the sequence listing does not introduce new matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter I. Bernstein', with a stylized flourish at the end.

Peter I. Bernstein  
Registration No. 43,497

SCULLY, SCOTT, MURPHY & PRESSER  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

PIB:ab





**PATENTS**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Michael W. Graham                      **Examiner:** S. Kaushal  
**Serial No.:** 09/100,812                      **Art Unit:** 1636  
**Filed:** June 19, 1998                      **Docket:** 11535  
**For:** SYNTHETIC GENES AND                      **Dated:** June 28, 2002  
GENETIC CONSTRUCTS COMPRISING  
SAME I

Assistant Commissioner for Patents  
Washington, DC 20231

**STATEMENT UNDER 37 C.F.R. §1.821(f)**

Sir:

I hereby state that the content of the initial paper and initial computer readable copies of the Sequence Listing submitted in accordance with 37 C.F.R. §§1.821(c) and (e), respectively, are the same.

Respectfully submitted,

Peter I. Bernstein  
Registration No. 43,497

SCULLY, SCOTT, MURPHY & PRESSER  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343  
PIB:ab

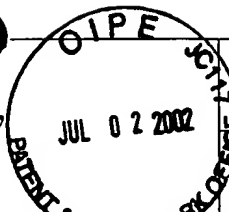
**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on June 28, 2002.

**Dated:** June 28, 2002

  
Michelle Mustafa

Notice to Comply



Application No.  
09100812

Applicant(s)  
Graham

Examiner

Art Unit

KAUSHAL

1636

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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